

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

KIM FLEMING

Plaintiff,

FILED ENTERED
LODGED RECEIVED

V.

SEP 09 2011

CIVIL ACTION NO

L11CV2574

LYONS, DOUGHTY & VELDHUIS
AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY DEPUTY

Defendant.

SEPTEMBER 6, 2011

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692; Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act. § 14-204 et seq. ("MCDCA"); and the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.
2. The Court's jurisdiction is conferred by 15 U.S.C.1692k and 28 U.S.C. 1331 and 1367.
3. Plaintiff is a natural person who resides in Baltimore, MD.
4. Plaintiff is a consumer within the FDCPA.
5. Defendant is a debt collector within the FDCPA.
6. Defendant is a collector within the MCDCA.
7. Defendant is a professional corporation engaged in the business of collecting debts in the State of Maryland with a principal place of business located at Suite

100, 136 Gaither Drive, Mount Laurel, NJ 08054.

8. The principal purpose of Defendant's business is the collection of debts and Defendant regularly attempts to collect debts alleged to be due another.

9. Defendant communicated with Plaintiff or others on or after one year before the date of this action, in connection with collection efforts with regard to Plaintiff's disputed personal debt.

10. The Plaintiff called the collection agency Lyons, Doughty & Veldhuis, PC, in an attempt to dispute the alleged debt on or about September 1, 2011.

11. The Plaintiff requested a copy of the assignment of debt from the original creditor Washington Mutual Bank.

12. The Defendant through a collection agent advised the Plaintiff that "we own this debt." The Defendant's statements are false, deceptive and misleading and violate the §1692e of the FDCPA.

13. The Defendant filed an affidavit of their client Midland Funding attesting to the fact that Midland Funding owed this debt and it was assigned all rights title and interest in the alleged account. The Defendant's statements are false, deceptive and misleading and violate the §1692e of the FDCPA.

14. The Defendant through a collection agent advised the Plaintiff that the assignment was included in the original documents served on the Plaintiff. The Defendant's statements are false, deceptive and misleading and violate the §1692e of the FDCPA.

15. The Defendant attempted to obtain a default judgment in the District Court of Maryland, which motion was denied based on the face of the court record for failing to comply with **MARYLAND RULE 3-306(A)(2), AFFIDAVIT DENIED LACK COPY OF ASSIGNMENT.**

16. In the collection efforts, the Defendant violated the FDCPA; inter alia, section 1692 e, and f.

SECOND COUNT:

17. The allegations of the First Count are repeated and realleged as if fully set forth herein.

18. Within three years prior to the date of this action Defendant has engaged in acts and practices as to Plaintiff in violation of the Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act § 14-204 et seq. ("MCDCA").

19. Defendant has committed unfair or deceptive acts or practices within the meaning of the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.

WHEREFORE Plaintiff respectfully requests this Court to:

1. Award Plaintiff statutory damages pursuant to the FDCPA.
2. Award Plaintiff statutory damages pursuant to MDCDCA.
3. Award Plaintiff costs of suit and a reasonable attorney's fee.
4. Award such other and further relief as this Court may see fit.

THE PLAINTIFF


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